

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
E/S Buckingham Road, 25 ft.
N of Sussex Road
1117 Buckingham Road
2nd Election District
2nd Councilmanic District
William Brewster Pettit, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an open projection (balcony) a setback of 5 ft. in lieu of the required 22.5 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners seek a variance from the more stringent requirements contained in Section 301.1, rather than a variance from Section 301.2 which might also be applicable. Whichever Section is applied, a variance from the required setback distance is required.

The Petitioners have filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 301.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22 day of December, 1991 that the Petition for a Zoning Variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an open projection (balcony) a setback of 5 ft. in lieu of the required 22.5 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21201

887-3353

November 26, 1991

Mr. and Mrs. William B. Pettit
3717 Buckingham Road
Baltimore, Maryland 21207

RE: Petition for Residential Zoning Variance
Case No. 92-180-A

Dear Mr. and Mrs. Pettit:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

PETITION FOR RESIDENTIAL VARIANCE

92-180-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, petition for a Variance from Section 301.1 of the Baltimore County Zoning Regulations to allow an open projection a setback of 5' in lieu of the required 22.5'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty)
(Practical Difficulty) The 22.5' setback requested will allow a total balcony width of 5 ft., considered a minimum for usefulness, and add architectural balance to the house.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

William Brewster Pettit

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

3717 Buckingham Road (301) 653-5407

City/State/Zip Code

Baltimore, Maryland 21207

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

William Brewster Pettit

Name

3717 Buckingham Road (301) 653-5407

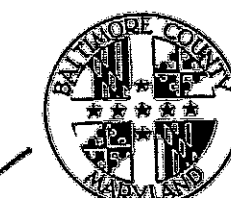
Address Baltimore, Maryland 21207

City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this 22 day of December, 1991, that the subject matter of this petition be posted on the property on or before the 22 day of December, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HEARING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED.
IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 22 day of December, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County at Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: CAH DATE: 10/18

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirm under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/they presently reside at 3717 Buckingham Road, Baltimore, Maryland 21207

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

(Practical Difficulty) The one foot extension requested will allow a total balcony width of 5 ft., considered a minimum for usefulness, and add architectural balance to the house.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

William Brewster Pettit

AFFIRANT (Printed Name)



William Brewster Pettit

AFFIRANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of October, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William Brewster Pettit and William Brewster Pettit

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the contents and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

SO WITNESS my hand and Notarial Seal.

10/17/1991

DATE

James E. Dyer

By Commission Expires: 7/1/1992

ZONING DESCRIPTION

92-180-A

Beginning at a point on the southeast side of Buckingham Road which is 50' of right-of-way wide at the distance of 26' northeast of the centerline of the nearest improved intersection street, Sussex Avenue which is 40' of right-of-way wide. Being Lot #73, Rev. Plat 1 in the subdivision of Milford Villa Nova Annex as recorded in Baltimore County Plat Book #8, Folio #63, containing 9000 square feet. Also known as 3717 Buckingham Road and located in the 2nd Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 10/16/1991
Posted for: William Brewster Pettit
Petitioner: William Brewster Pettit
Location of property: 3717 Buckingham Road
Location of Signs: In front of 3717, both sides of road
Remarks:
Posted by: J. J. Dyer
Number of Signs: 1
Date of return: 7/1/1992

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21201

887-3353

November 6, 1991

Mr. & Mrs. William B. Pettit
3717 Buckingham Road
Baltimore, MD 21207

RE: Item No. 199, Case No. 92-180-A
Petitioner: William B. Pettit, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Pettit:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: November 6, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



Your petition has been received and accepted for filing this
17th day of October, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Hahn
Chairman,
Zoning Plans Advisory Committee

Petitioner: William B. Pettit, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 4, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Bertoldi Property, Item No. 172
Koss Property, Item No. 192
Pitts Property, Item No. 193
Weimer Property, Item No. 196
Frey Property, Item No. 197
Goodwin Property, Item No. 198
Pettit Property, Item No. 199
McQuinn Property, Item No. 200
Cement Property, Item No. 201
Shapiro Property, Item No. 203
Chaney Property, Item No. 204
Colleran Property, Item No. 207
Fisher Property, Item No. 208
Wilson Property, Item No. 211

In reference to the petitioners' request, the staff offers
no comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

FK/JL/rdn

TMS172/TEXTROZ



OCTOBER 29, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM BREWSTER PETTIT
Location: #3717 BUCKINGHAM ROAD

Item No.: 199 Zoning Agenda: OCTOBER 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John A. Brady* Noted and Approved *Carl W. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

92-180-A NOV. 18

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 29, 1991

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 172, 180, 182, 183, 194, 195, 196, 197, 198, 199,
200 and 202.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

92-180-A 11/18

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 19, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahae J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 29, 1991

This office has no comments for item numbers 172, 192, 194, 195, 196,
197, 198, 199, 200 and 202.

Rahae J. Famili
Rahae J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

October 24, 1991

887-3353

William and Balena Pettit
3717 Buckingham Road
Baltimore, Maryland 21207

Re: CASE NUMBER: 92-180-A
LOCATION: 1/8 Buckingham Road, 25' N Sussex Road
3717 Buckingham Road
2nd Election District - 2nd Councilmanic

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case
number. Any contact with this office should reference the case number. This letter also serves as a
notice regarding the administrative process.

1) Your property will be posted on or before November 3, 1991. The closing date is November 15, 1991.
The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the
closing date, the file will be reviewed by the Zoning or Regulatory Zoning Commissioner. At that time, an order
will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that
the matter be set in for a public hearing. You will receive written notification as to whether or not your
petition has been granted, denied, or will go to public hearing.

2) In cases regarding public hearing (whether due to a neighbor's formal request or by order of the
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.
Charges related to the requesting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

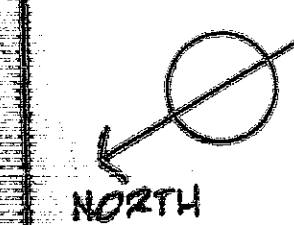
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETED. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISSEMINATION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

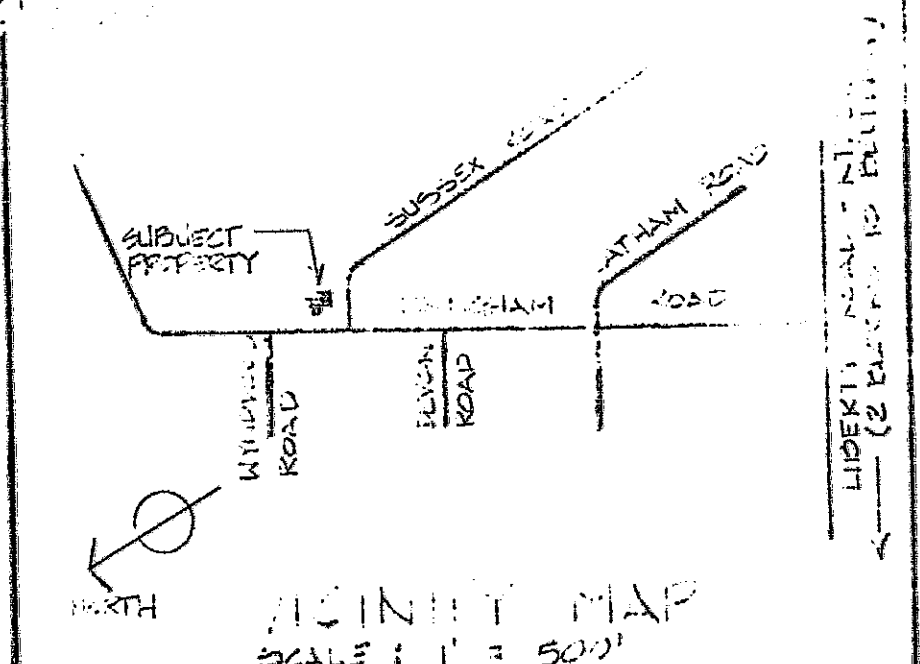
PLAT TO ACCOMPANY PETITION FOR ZONING - VARIANCE (ADMINISTRATIVE)
PROPERTY OF WILLIAM B. PETTIT, ET UX, BALTIMORE, MD 21207

REVISED PLAT NO. 1
PLAT BOOK 3, FOLIO 63, LOT 73

92-180-A



DATE: 10-20-91
PREPARED BY: RJF



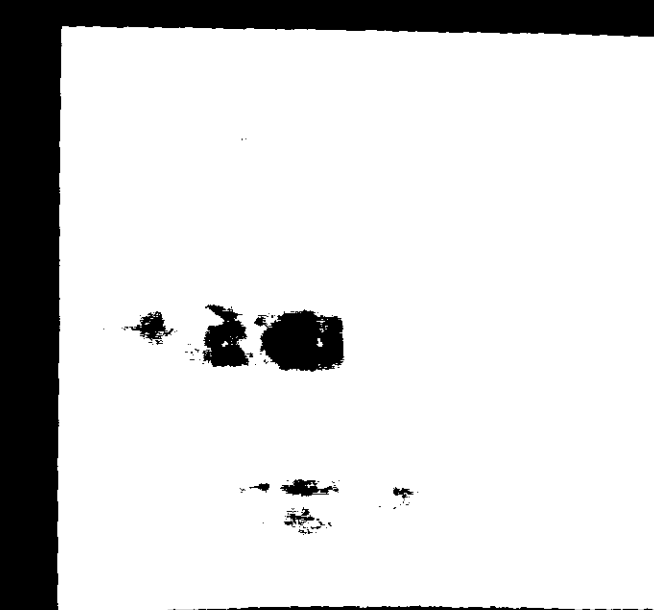
LOCATION INFORMATION
JUNCLIMANIC DISTRICT: 02
ELECTION DISTRICT: 02
1" = 500' SCALE MAP #: N.W. 3-F
ZONING: DR 3.5 (4.2 P.M. 1991)
LOT SIZE: 60 x 150
0.207 AC., 2800 SQ. FT.

OWNER: PUBLIC
INTEREST: PUBLIC

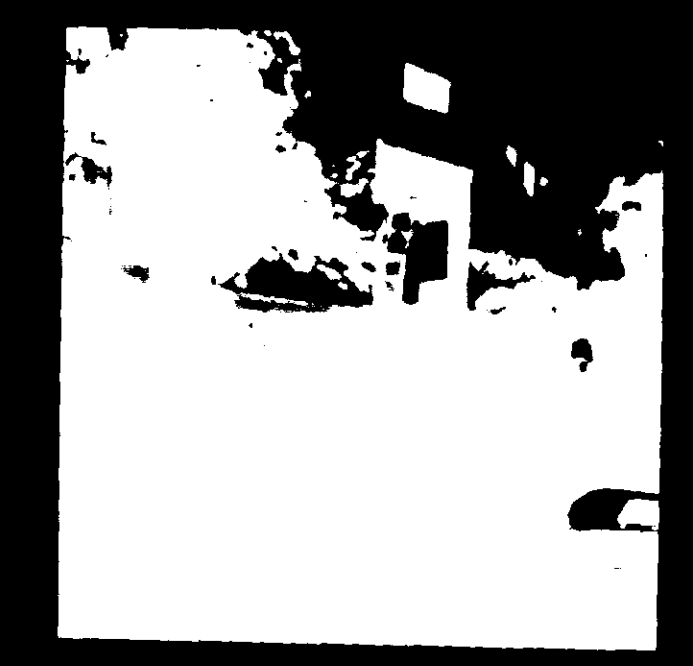
CHANGING ANY OTHER ITEM NO
PRIOR ZONING HEARING NOTICE

ZONING OFFICE USE ONLY
REVIEWED BY: ITEM # CASE #
199

92-180-A



5th story cantilever with no supports



5th story cantilever with no supports



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

| SCALE | LOCATION | SHEET |
|-------------------------------------|----------|-------------|
| 1" = 200' ± | MILFORD | N.W. 5-F |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401